

Appl. No.: 10/763,875
Amdt. dated December 18, 2008
Reply to Office Action of September 19, 2008

REMARKS/ARGUMENTS

This Amendment is being filed concurrently with a Request for Continued Examination (RCE). This is a full and timely response to the final Office Action dated September 19, 2008. Prior to the issuance of the present Office Action, Claims 1-28 were pending. In the present response, Claims 1, 11, 18 and 20 are amended to expedite prosecution. Claims 1-28 remain pending in the present application.

It is respectfully submitted that pending Claims 1-28 are patentable over the cited art. As such, Applicants respectfully request reconsideration and allowance of the present claims in light of the following remarks.

Statement of the Substance of the Interview

Applicants wish to thank the Examiner for his time in conducting a telephonic interview with the Applicants' counsel on November 3, 2008. The substance of the interview focused on the 35 U.S.C. §103 rejections in the present Office Action. Specifically, the differences between a "dispatch plan" as recited in the claims versus the concept of "planned RF coverage" disclosed in the Somoza reference were discussed. The Examiner suggested amending the claims to more clearly define the term "dispatch plan."

Claim Rejections – 35 USC § 103

Independent Claim 1

The Examiner has rejected independent Claim 1 as being unpatentable over U.S. Patent No. 5,481,588 issued to Rickli et al ("Rickli") in view of U.S. Patent No. 6,336,035 issued to Somoza ("Somoza"). Applicants respectfully assert that Rickli and Somoza, alone or in combination, fail to disclose or suggest each of the limitations recited in independent Claim 1. For example, Rickli and Somoza fail to disclose or suggest the limitation of "comparing said test parameters to said dispatch plan for each of said plurality of routes" as recited in Claim 1.

Applicant notes that the Examiner has concluded that Rickli does not disclose or suggest this limitation and instead relies on the disclosures in Somoza to support the rejection.

Applicants respectfully assert that the “dispatch plan” claimed in independent Claim 1 is fundamentally different from the “planned RF coverage” concept disclosed in Somoza and thus alleged comparisons of test parameters to “planned RF coverage” do not satisfy the “comparing” limitation recited above. As recited in independent Claim 1, “each of said vehicles [are] assigned to one of a plurality of routes according to a dispatch plan configured for purposes other than electromagnetic signal testing, said dispatch plan comprising vehicle data and route data.” In contrast, “planned RF coverage” is the expected cellular signal coverage for a cellular network. This is clearly illustrated in Fig. 5 from Somoza where the planned RF coverage (520) is illustrated as a circle superimposed on a street map. Somoza further explains that “[p]lanned RF coverage data 520 provides a topographical view of planned RF coverage for a cell.” Column 8, lines 25-27. Thus, the “planned RF coverage concept” is not analogous to the dispatch plan recited in Claim 1 because it does not assign vehicles to routes nor does it include “vehicle data and route data.” Moreover, “planned RF coverage” relates directly to planned signal coverage for a cellular network and therefore cannot assign vehicles to one of a plurality of routes “for purposes other than electromagnetic signal testing.”

Dependent Claims 2-10

Claims 2-10 depend from independent Claim 1 and therefore include all of the limitations of independent Claim 1 plus additional limitations that are not disclosed in the prior art. Accordingly, for this reasoning and for the reasons stated above, Claims 2-10 are patentably distinct from the cited art.

Independent Claim 11

The Examiner has rejected independent Claim 11 as being unpatentable over Rickli in view of Somoza. Applicants respectfully assert that Rickli and Somoza, alone or in combination, fail to disclose or suggest each of the limitations recited in independent Claim 11. For example, Rickli and Somoza fail to disclose or suggest the limitation of “a third executable portion

Appl. No.: 10/763,875
Amdt. dated December 18, 2008
Reply to Office Action of September 19, 2008

configured to compare said test parameters to said dispatch plan for each of said plurality of routes” as recited in Claim 11. The Examiner asserts that the “dispatch plan” requirement is satisfied by the “planned RF coverage” concept disclosed in Somoza. As discussed in detail above with reference to Claim 1, “planned RF coverage” is fundamentally different from a “dispatch plan,” and thus Somoza does not disclose or suggest the limitation of “a third executable portion configured to compare said test parameters to said dispatch plan for each of said plurality of routes.”

Dependent Claims 12-17

Claims 12-17 depend from independent Claim 11 and therefore include all of the limitations of independent Claim 11 plus additional limitations that are not disclosed in the prior art. Accordingly, for this reasoning and for the reasons stated above, Claims 12-17 are patentably distinct from the cited art.

Independent Claim 18

The Examiner has rejected independent Claim 18 as being unpatentable over Rickli in view of Somoza. Applicants respectfully assert that Rickli and Somoza, alone or in combination, fail to disclose or suggest each of the limitations recited in independent Claim 18. For example, Rickli and Somoza fail to disclose or suggest the limitation of “means for comparing said test parameters to said dispatch plan for each of said plurality of routes” as recited in Claim 18. The Examiner asserts that the “dispatch plan” requirement is satisfied by the “planned RF coverage” concept disclosed in Somoza. As discussed in detail above with reference to Claim 1, “planned RF coverage” is fundamentally different from a “dispatch plan,” and thus Somoza does not disclose or suggest the limitation of “means for comparing said test parameters to said dispatch plan for each of said plurality of routes.”

Dependent Claims 19-28

Claims 19-28 depend from independent Claim 18 and therefore include all of the limitations of independent Claim 18 plus additional limitations that are not disclosed in the prior

Appl. No.: 10/763,875
Amdt. dated December 18, 2008
Reply to Office Action of September 19, 2008

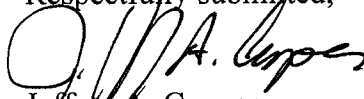
art. Accordingly, for this reasoning and for the reasons stated above, Claims 19-28 are patentably distinct from the cited art.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed on September 19, 2008. The Applicant respectfully submits, in light of the foregoing remarks, that the present application is in consideration for allowance, and such action is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Jeffrey A. Cooper

Registration No. 54,757

Customer No. 00826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street,

Suite 4000

Charlotte, NC 28280-4000

Tel Atlanta Office (404) 881-7000

Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON December 18, 2008.